

Union Calendar No. 305

112TH CONGRESS
2^D SESSION

H. R. 2060

[Report No. 112-438]

To amend the Wild and Scenic Rivers Act to adjust the Crooked River boundary, to provide water certainty for the City of Prineville, Oregon, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 31, 2011

Mr. WALDEN introduced the following bill; which was referred to the
Committee on Natural Resources

APRIL 16, 2012

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on May 31, 2011]

A BILL

To amend the Wild and Scenic Rivers Act to adjust the Crooked River boundary, to provide water certainty for the City of Prineville, Oregon, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Central Oregon Jobs*
5 *and Water Security Act”.*

6 **SEC. 2. WILD AND SCENIC RIVER; CROOKED, OREGON.**

7 *Section 3(a)(72) of the Wild and Scenic Rivers Act*
8 *(16 U.S.C. 1274(a)(72)) is amended as follows:*

9 (1) *By striking “15-mile” and inserting “14.75-*
10 *mile”.*

11 (2) *In subparagraph (B)—*

12 (A) *by striking “8-mile” and all that fol-*
13 *lows through “Bowman Dam” and inserting*
14 *“7.75-mile segment from a point one-quarter*
15 *mile downstream from the toe of Bowman Dam”;*
16 *and*

17 (B) *by adding at the end the following:*
18 *“The developer for any hydropower development,*
19 *including turbines and appurtenant facilities, at*
20 *Bowman Dam, in consultation with the Bureau*
21 *of Land Management, shall analyze any impacts*
22 *to the Outstandingly Remarkable Values of the*
23 *Wild and Scenic River that may be caused by*
24 *such development, including the future need to*
25 *undertake routine and emergency repairs, and*

1 *shall propose mitigation for any impacts as part*
2 *of any license application submitted to the Fed-*
3 *eral Energy Regulatory Commission.”.*

4 **SEC. 3. CITY OF PRINEVILLE WATER SUPPLY.**

5 *Section 4 of the Act of August 6, 1956 (70 Stat. 1058),*
6 *(as amended by the Acts of September 14, 1959 (73 Stat.*
7 *554), and September 18, 1964 (78 Stat. 954)) is further*
8 *amended as follows:*

9 (1) *By striking “ten cubic feet” the first place it*
10 *appears and inserting “17 cubic feet”.*

11 (2) *By striking “during those months when there*
12 *is no other discharge therefrom, but this release may*
13 *be reduced for brief temporary periods by the Sec-*
14 *retary whenever he may find that release of the full*
15 *ten cubic feet per second is harmful to the primary*
16 *purpose of the project”.*

17 (3) *By adding at the end the following: “Without*
18 *further action by the Secretary, and as determined*
19 *necessary for any given year by the City of Prineville,*
20 *up to seven of the 17 cubic feet per second minimum*
21 *release shall also serve as mitigation for City of*
22 *Prineville groundwater pumping, pursuant to and in*
23 *a manner consistent with Oregon State law, includ-*
24 *ing any shaping of the release of the up to seven cubic*
25 *feet per second to coincide with City of Prineville*

1 *groundwater pumping as may be required by the*
2 *State of Oregon. As such, the Secretary is authorized*
3 *to make applications to the State of Oregon in con-*
4 *junction with the City to protect these supplies*
5 *instream. The City shall make payment to the Sec-*
6 *retary for that portion of the minimum release that*
7 *actually serves as mitigation pursuant to Oregon*
8 *State law for the City in any given year, with the*
9 *payment for any given year equal to the amount of*
10 *mitigation in acre feet required to offset actual City*
11 *groundwater pumping for that year in accordance*
12 *with Reclamation ‘Water and Related Contract and*
13 *Repayment Principles and Requirements’, Reclama-*
14 *tion Manual Directives and Standards PEC 05–01,*
15 *dated 09/12/2006, and guided by ‘Economic and En-*
16 *vironmental Principles and Guidelines for Water and*
17 *Related Land Resources Implementation Studies’,*
18 *dated March 10, 1983. The Secretary is authorized to*
19 *contract exclusively with the City for additional*
20 *amounts in the future at the request of the City.’’.*

21 **SEC. 4. FIRST FILL PROTECTION.**

22 *The Act of August 6, 1956 (70 Stat. 1058), as amended*
23 *by the Acts of September 14, 1959 (73 Stat. 554), and Sep-*
24 *tember 18, 1964 (78 Stat. 954), is further amended by add-*
25 *ing at the end the following:*

1 “SEC. 6. Other than the 17 cubic feet per second release
2 provided for in section 4, and subject to compliance with
3 the Army Corps of Engineers’ flood curve requirements, the
4 Secretary shall, on a ‘first fill’ priority basis, store in and
5 release from Prineville Reservoir, whether from carryover,
6 infill, or a combination thereof, the following:

7 “(1) 68,273 acre feet of water annually to fulfill
8 all 16 Bureau of Reclamation contracts existing as of
9 January 1, 2011, and up to 2,740 acre feet of water
10 annually to supply the McKay Creek lands as pro-
11 vided for in section 5 of this Act.

12 “(2) Not more than 10,000 acre feet of water an-
13 nually, to be made available to the North Unit Irriga-
14 tion District pursuant to a Temporary Water Service
15 Contract, upon the request of the North Unit Irriga-
16 tion District, consistent with the same terms and con-
17 ditions as prior such contracts between the District
18 and the Bureau of Reclamation.

19 “SEC. 7. Except as otherwise provided in this Act,
20 nothing in this Act—

21 “(1) modifies contractual rights that may exist
22 between contractors and the United States under Rec-
23 lamation contracts;

24 “(2) amends or reopens contracts referred to in
25 paragraph (1); or

1 “(3) modifies any rights, obligations, or require-
2 ments that may be provided or governed by Oregon
3 State law.”.

4 **SEC. 5. OCHOCO IRRIGATION DISTRICT.**

5 (a) *EARLY REPAYMENT.*—Notwithstanding section 213
6 of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm),
7 any landowner within Ochoco Irrigation District in Or-
8 egon, may repay, at any time, the construction costs of the
9 project facilities allocated to that landowner’s lands within
10 the district. Upon discharge, in full, of the obligation for
11 repayment of the construction costs allocated to all lands
12 the landowner owns in the district, those lands shall not
13 be subject to the ownership and full-cost pricing limitations
14 of the Act of June 17, 1902 (43 U.S.C. 371 et seq.), and
15 Acts supplemental to and amendatory of that Act, including
16 the Reclamation Reform Act of 1982 (43 U.S.C. 390aa et
17 seq.).

18 (b) *CERTIFICATION.*—Upon the request of a landowner
19 who has repaid, in full, the construction costs of the project
20 facilities allocated to that landowner’s lands owned within
21 the district, the Secretary of the Interior shall provide the
22 certification provided for in subsection (b)(1) of section 213
23 of the Reclamation Reform Act of 1982 (43 U.S.C.
24 390mm(b)(1)).

1 (c) *CONTRACT AMENDMENT.*—On approval of the dis-
2 trict directors and notwithstanding project authorizing leg-
3 islation to the contrary, the district’s reclamation contracts
4 are modified, without further action by the Secretary of the
5 Interior, to—

6 (1) authorize the use of water for instream pur-
7 poses, including fish or wildlife purposes, in order for
8 the district to engage in, or take advantage of, con-
9 served water projects and temporary instream leasing
10 as authorized by Oregon State law;

11 (2) include within the district boundary ap-
12 proximately 2,742 acres in the vicinity of McKay
13 Creek, resulting in a total of approximately 44,937
14 acres within the district boundary;

15 (3) classify as irrigable approximately 685 acres
16 within the approximately 2,742 acres of included
17 lands in the vicinity of McKay Creek, where the ap-
18 proximately 685 acres are authorized to receive irri-
19 gation water pursuant to water rights issued by the
20 State of Oregon and have in the past received water
21 pursuant to such State water rights; and

22 (4) provide the district with stored water from
23 Prineville Reservoir for purposes of supplying up to
24 the approximately 685 acres of lands added within
25 the district boundary and classified as irrigable under

1 *paragraphs (2) and (3), with such stored water to be*
2 *supplied on an acre-per-acre basis contingent on the*
3 *transfer of existing appurtenant McKay Creek water*
4 *rights to instream use and the State's issuance of*
5 *water rights for the use of stored water.*

6 *(d) LIMITATION.—Except as otherwise provided in*
7 *subsections (a) and (c), nothing in this section shall be con-*
8 *strued to—*

9 *(1) modify contractual rights that may exist be-*
10 *tween the district and the United States under the*
11 *district's Reclamation contracts;*

12 *(2) amend or reopen the contracts referred to in*
13 *paragraph (1); or*

14 *(3) modify any rights, obligations or relation-*
15 *ships that may exist between the district and its land-*
16 *owners as may be provided or governed by Oregon*
17 *State law.*

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